

City Council Chamber, City Hall, Tuesday, August 24, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 24, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Ronald C. Green and Michael Berry; Mr. Daniel Doherty, Senior Assistant City Attorney, Tax and Revenue Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Carol M. Galloway absent due to being ill. Council Member Shelley Sekula-Gibbs, M.D. out of the city on personal business.

At 1:48 p.m. Mayor Pro Tem Alvarado stated that Council would begin with presentations and called on Council Member Berry. Council Member Berry invited Ms. Yolanda Green of WB 39 and Mr. Martin Chavez to the podium and stated that everyone was asked to submit candidates for honoring the 2004 Hispanic Heritage Unsung Heroes and the first choice among his team was Martin Chavez; that he was very deserving and a great role model with incredible work ethics and now his story would no longer be unsung; and presented him with a Proclamation proclaiming August 24, 2004 as "Martin Chavez Day", in Houston, Texas; and Ms. Green stated that WB 39 wanted to salute Mr. Chavez because he did an outstanding job and worked tirelessly; and presented him an award in recognition of his work and proclaiming him an unsung hero. Mr. Chavez thanked Council Member Berry for nominating him and Council Members Alvarado and Garcia for such a good job representing their districts and WB 39. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that when the Management District launched this initiative they did pick the right person for staying on top of things; that he always commended him privately and the greater East End was a better place because of him. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards invited Ms. Heather Wagner of Music World to the podium and stated that the City of Houston was partners and sponsors with project Pop Star, the search for the latest and newest girls pop group by Music World, an international entity; and Ms. Wagner stated that she worked for Music World/Sanctuary Urban a company of Mathew Noels; that without the City's partnership they would not be as far as they were and there were many partnerships with them; that this was putting Houston on the map as Mathew wanted to bring the world of entertainment to Houston; that they had open auditions and narrowed it to 20 finalists who were now getting intense training and then five finalists would be picked with the grand finale event being Tuesday, August 31, 2004, at the Convention Center and the Mayor and all Council Members were invited; and hopefully the group would turn into the next big success coming out of Houston. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that Mayor White was in a meeting, but wanted to make sure Ms. Wagner knew he was very supportive of what her group was doing and was proud to have groups originate in this City and if they could help to let them know; that it did help promote Houston. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia invited the Houston Police Department's Chicano Squad to the podium and stated that it was an honor to be a part of this recognition; that it was a tremendous milestone, 25 years of success and they were recognizing the Chicano Squad of the Homicide Division in HPD; that they demonstrated tremendous tenacity and dedication and proven success in their work with a 91% clearance rate; and he and Council Member Alvarado presented a Proclamation to the Squad for celebrating their 25th anniversary, congratulating and

commending them and proclaimed August 24, 2004, as "HPD Chicano Squad Day", in Houston, Texas. Council Members Lawrence, Goldberg, Wiseman and Holm absent.

Council Member Alvarado invited Mr. Kevin Saunders to the podium and stated that he was a former world champion and three-time Paralympic wheelchair athlete and it began on June 15, 2004 when he pushed his wheelchair from Canada to Mexico; that they were very proud of him; and he was presented with a Proclamation for his accomplishments and proclaimed August 24, 2004, as "Kevin Saunders Day", in Houston, Texas. Mr. Saunders thanked all for the recognition and stated that his push from Canada to Mexico was a warm-up; that he was leaving now to push through all 50 states to inspire all to get physically fit; and presented the Mayor with a bronze statue and the Mayor and Council Member Alvarado with a copy of his book. Council Members Lawrence, Goldberg and Holm absent.

At 2:14 p.m. Mayor White called the meeting to order and called on Council Member Garcia to lead in prayer and pledge. Council Member Garcia led all in prayer and in the pledge of allegiance. Council Members Goldberg and Holm absent.

At 2:16 p.m. the City Secretary called the roll. Council Member Galloway absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. Council Members Goldberg and Holm absent.

Council Members Garcia and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. Council Members Goldberg and Holm absent. MOTION ADOPTED.

Mayor White stated that he wanted to thank the contribution of the governance committee in many ways and one was a recommendation concerning enforcement of a current rule; and asked the City Secretary to announce the rule; and the City Secretary stated that under a section in the code of Ordinances no person making an appearance before the City Council shall have in his or her possession at the public speakers podium any paper, paper bags, plastic bags, handbag, briefcase, purse, satchel, box, envelope, tape recorder or other container of any sort and a shelf was provided near the podium where they may place the items; that it was at the end of the press table and an officer would direct them if they had trouble finding it. Council Members Goldberg, Holm and Alvarado absent.

Mr. John Navratil, 6026 Glen Cove, Houston, Texas 77007 (713-201-2036) appeared and stated that he was present to protest the revenue cap ballot language; that he did not understand their motivation for adding the language and wondered if they felt the language provided by citizens was not clear enough; that the added language implied that by not continuously increasing revenue to the City services would be impacted, but the revenue cap did not cut any revenue to the City at all and he had seen taxes rise and services drop and he was voting for the revenue cap. Council Members Goldberg, Holm, Alvarado and Berry absent.

Mr. Bruce Hotze, 5219 Shady River, Houston, Texas 70056 (713-663-1831) appeared and stated that he was present as citizens acted as legislature and put a Charter amendment on the ballot and they did it in good faith and he believed it was the Mayor and Council's responsibility to put good clean ballot language; that they should not be adding words that the proposition would call for mandated cuts in services as if that were true the same thing would happen with the Mayor's cap on property taxes; that language should be fair on both sides; that property taxes were over 50% of the revenue of the City and the general fund and his proposal to limit those could also possibly limit city services; that they waited almost three years to place it on the ballot with the initial signatures not being counted timely, etc., and he urged that they take care of the citizens with fair language. Council Members Goldberg, Holm and Berry absent.

Council Member Wiseman thanked Mr. Hotze for coming and sharing his concerns and

views; that she heard from many who shared his same feelings that the language proposed did not accurately reflect the language on petitions which the people signed and she agreed that they should be fair and truthful; that it was true if taxpayer dollars were mismanaged cuts in services could occur and if they were going to do right by the people she felt they should see their language. Council Members Goldberg, Holm and Berry absent.

Mayor White stated that one point was that wherever you imposed a cap and had fixed obligations it could result in a cut in services; and upon questions, Mr. Hotze stated many things could happen with any ordinance, but it was not a fair and appropriate reading of what the Charter was, it was not to talk about the possible outcome, but what it did. Mayor White stated that this was not an argument; that he had made a point about property taxes and he wanted him to make that point again; and Mr. Hotze stated that property taxes were 50% of the general fund and if you capped them there could be an affect, to say what he was saying about their Charter changes he would have to say the same about the proposed amendment Council was going for; that if revenues decreased basic services would be cut and it was not necessarily the truth; and Mayor White stated that he saw his point, he was not making a decision, but he followed the logic that either one could result in certain circumstances though he favored the one the City crafted; and the City received more revenue from water and sewer rates than anything and in a drought year you acquired more water and more line breaks because of the pressure so if that revenue went up faster than inflation and population what revenue would he envision coming down; and Mr. Hotze stated that the revenue would be returned to the citizens, but water revenue had been so high they were taking excess money and putting it back in the General Fund for a longtime; and Mayor White stated that they voted not to do that any longer; that he thought hypothetical they were incorrect because they had had excess funds in dry and wet years. Council Members Goldberg, Holm, Green and Berry absent.

Council Member Ellis stated that he complimented Mr. Hotze and his organization for what they brought forward, but there was a great argument and concern on property taxes and the cap on property tax addressed only one revenue source and it did not cap the revenues to the water and sewer enterprise fund only the rate; that he heard him make the statement if property taxes were capped then in the future there could be a cut in services and he understood his argument and did have a concern and it was his intention to work with the Administration to have that language removed and if not put forward an amendment to that proposed language. Council Members Goldberg, Holm, Green and Berry absent.

After a lengthy discussion, Mr. Hotze stated that revenue caps were good in other states and it sent money back to citizens; that it was not used here in Harris County; that HOT tax had not risen anywhere the level over the last five years that people would be worried about so it was not going to occur and he believed in privatizing the airport; that he commended Council for privatizing Terminal E as the City did not have the debt Continental had the debt; that most airports were being privatized and he did not think the City had ever had to supplement the airport, it stood alone. Council Members Goldberg, Holm, Green and Berry absent.

Ms. Claire Caudill, 518 Westheimer, Houston, Texas 77024 (713-932-8933) appeared and stated that she was chairman of the Memorial Park Conservancy and the Memorial Park Master Plan would be on Council's Agenda tomorrow and she was present to thank them as it was a combination of three years work by the Houston Parks and Recreation Department, Houston Parks Board and the Memorial Park Conservancy; that the document they created came from a very public process with all thoughts being taken into account and it was basically a land use plan with no recommendations to remove any existing recreational facilities; and they hoped Council would agree it was a good plan. Council Members Goldberg, Khan, Holm and Berry absent.

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that he was rich, but his money had disappeared and he continued expressing his personal opinions until his time expired. Council Members Goldberg, Khan, Holm, Ellis and

Berry absent.

Council Member Edwards stated that his father was a great person in the community and if someone had misused his trust fund left to him she would suggest he get an attorney and Council Member Green was an attorney and perhaps could assist him; and Council Member Green stated that since his service was to the City of Houston he would not consider soliciting business for his law practice, but Council Member Edwards was right and he probably needed a good probate attorney. Council Members Goldberg, Khan, Holm, Ellis and Berry absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Khan, Holm, Ellis and Berry absent. (NO QUORUM PRESENT)

Ms. Elda Celaya, 1216 E. Crosstimbers, Houston, Texas 77022 (713-697-6394) appeared and spoke in Spanish that her problem was she needed the Mayor's help for her brother who was in jail for one year; that there was no proof and she paid a private detective to see if he could find anything on the case and he found out something good, there was no proof and the state did not know what to do, whether to declare he was innocent or not; that the court already knew the young girl was not well in her head, the school records stated she was mentally retarded; that she and her brother were desperate, he was being destroyed in jail. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he felt for her but it was not a case for the police but for the DA, another public agency. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated unfortunately the City had no right over the case, it was a case to be handled by the state, but it did look as if it were going down the right road with the information and discussions she had; and upon questions, Ms. Celaya stated that yes, she had an attorney but had used all her money and now the attorney had ignored her brother in court wanting more money and she had no money for another attorney. Council Member Garcia stated that she should make an appointment with the prosecutor and let him know they had no attorney and the attorney needed to formally leave the case so the court could appoint him an attorney and suggested that they do so right away. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Ellis and Berry absent. (NO QUORUM PRESENT)

Ms. Thelma Lastrap, 6700 Sealy, Houston, Texas 77091 (713-569-9887) appeared with others, presented information and stated that Father Alphonsus was a priest at St. Monica's Catholic Church and he was in need of a kidney transplant; that a donor match was from their church but they needed to pay all expenses for the donor and today they were asking for any type of support they could provide; that they were holding a fundraiser September 18, 2004, at the church located at South Victory and West Montgomery; that she would also like access parking and a permit for parking on the inside lane of those streets; and she expected to see them all. Council Members Goldberg, Khan, Holm and Berry absent.

Mayor White stated that he would ask for Mr. Cantu to make sure they were responsive on the request for permitting of the parking; and he appreciated them coming before Council. Council Members Goldberg, Holm and Berry absent.

Council Member Edwards stated that someone from her office would speak with her and get information and then maybe they could talk about it on the radio to get them more coverage. Council Members Goldberg, Holm, Garcia, Ellis and Berry absent.

Council Member Quan stated that it was a worthy cause and asked that she share their website; and Ms. Lastrap stated that it was www.helpfather.org and they would be holding an

auction and silent auction. Council Members Goldberg, Holm, Garcia, Ellis and Berry absent.

Council Member Khan moved that the rules be suspended for the purpose of hearing Ms. Sara Cizek out of order and adding Ms. LeCarol Carr to the Speakers List, seconded by Council Member Alvarado. Council Member Galloway absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. Council Members Goldberg, Holm, Garcia, Ellis and Berry absent. MOTION 2004-0921 ADOPTED.

Ms. Sara Cizek, 6034 Clairewood, Houston, Texas, Houston, Texas 77081 (713-665-6449) appeared and stated that she lived at the intersection of Clairwood and Rampart and had a major problem of standing water; that the sewers were cleaned, but the sewers were still half full and she hoped for relief before the next rain as she was afraid she would get water in her home. Council Members Goldberg, Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that the Mayor appointed a Council committee to deal with flooding of which he was apart of; that her division was one of the oldest in the city and he would like Mr. Norman to address her problems; that with new construction there the water had no where to go and he felt they deserved proper attention; and Mayor White stated that Mr. Norman was present and he could visit with her before she left; that they thought they dealt with the matter by the cleaning, but he was told dirt was getting in so there was a crack or break somewhere and they would need to do something. Council Members Goldberg, Edwards, Holm, Garcia and Berry absent.

Ms. Glory Udoh, 12119 Fondren Bend, Houston, Texas 77071 (713-776-3925) appeared, presented information and stated that last week she heard the commotion about removal of the Bible from the court house; that in the book of Joshua 1:8 it stated that you should meditate on the word of God and do according to what was written and then make your way prosperous and have good success and as she looked back at prayer being taken out of the schools she was present to share a message that the Bible contained the mind of God and the state of man, the way of salvation the doom of sinners and happiness of believers and its doctrines were holy; that she prayed God would manifest His love to all people who opposed the truth of the word of God, bring them to repentance and bless the City of Houston. Council Members Goldberg, Edwards, Khan, Holm, Garcia, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that if they used the bible to swear people in why have the contradiction of not having one outside; and Mayor White stated that in his own mind and heart he thought it was so important for people to have exposure to others with good values so they could be taught strength and spiritual growth and he did not know why people got hung-up on others trying to get their causes known; and Council Member Edwards stated that she had discussions with children and others not knowing why they had to swear on the Bible and yet one could not be outside. Council Member Green stated that they did not swear you in on the Bible any longer. Council Members Goldberg, Edwards, Khan, Holm, Garcia, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that this was a big issue, what the Bible stood for and she applauded her for coming. Council Members Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. Mao Tsai, 2210 Crystal Hills, Houston, Texas 77077 (713-270-2533) appeared and stated that the City of Houston had honored Chinese officials as honorary citizens of Houston and unfortunately two of them had tortured Falon Gong practitioners and he would like it rescinded. Council Members Goldberg, Edwards, Holm, Garcia, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that the policy of the Administration was they wanted to be fair; and

thanked Mr. Tsai for appearing. Council Members Goldberg, Edwards, Holm, Garcia, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Lance Finley, 4515 Briar Hollow Place #116, Houston, Texas 77017 (713-557-3318) appeared and stated that he was present on behalf of the Bayou City Compassion Coalition and was present regarding medical marijuana; that in response to Council Member Edwards asking what they wanted the Council to do about medical marijuana in relation to the City they were working on a proposal to submit for evaluation; and continued to discuss studies of marijuana in relation to Cancer until his time expired. Council Members Edwards, Garcia, Ellis, Quan and Berry absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Edwards, Garcia, Ellis, Quan and Berry absent.

Ms. Diana Casanova, 5201A Richmond #417, Houston, Texas 77056 (713-927-7205) appeared and stated that she was president and founder of Light the Way Home, Incorporated, a non profit social service agency which exercised housing in Houston; that she worked with troubled youth programs and had her home open for the children and homeless persons and their mission statement was to provide housing where the need was the greatest; that she was aware of a woman's rehab center which was closed and it was to provide rehabilitation for women coming out of TDC and she was trying to get it open and asking for Council's consideration in helping in whatever way that they could; that presently they were wanting to purchase five shelters with two to provide help for TDC women, two for abused children mainly placed by CPS and one for the elderly; and she was asking for their consideration. Council Members Garcia, Ellis, Quan and Berry absent.

Mr. Stephen Hilow, 4501 North Roseneath Drive, Houston, Texas 77021-1627 (713-747-1523) appeared and stated that he was requesting, along with Ms. Casanova and others, help for the women's shelter; that when he was in the Marines they helped build shelters, schools, etc., and Pastor Howell invited him out to Light the Way Home; and he was respectfully requesting help for their housing program. Council Members Garcia, Ellis, Quan and Berry absent.

Upon questions by Council Member Alvarado, Mr. Hilow stated that the facility they were proposing was near Hobby Airport off Bellfort and Mykawa; that it was across from a closed shopping center on Nunn and Ms. Casanova had a lease purchase agreement pending at this time. Council Member Alvarado stated that she would suggest someone from Citizens Assistance direct them on how to go about what they were trying to do. Council Members Garcia, Ellis, Quan and Berry absent.

Upon questions by Council Member Edwards, Mr. Hilow stated that they did have a proposal to present, but had not done so as yet. Council Members Garcia, Ellis, Quan and Berry absent.

Ms. Joellen Howell, 6601 Rockbridge Lane, Houston, Texas 77023 (713-921-2303) appeared and stated that she was a businesswoman and realized the importance of reopening the facility at 6530 Nunn; that they wanted to open it as a spiritual recovery center and felt there was a great need for such a facility in the Houston area; that this facility could be facilitated for 40 beds and the Substance Abuse Director for Harris County said there was a need for about 77 beds; that the facility had been successful for 14 years until they recently closed and Ms. Casanova had presented a budget for their need to Council Members and they would be most grateful if Council could assist and they were willing to provide any other information that was needed. Council Members Edwards, Garcia, Ellis, Quan and Berry absent.

Upon questions by Council Member Alvarado, Ms. Howell stated that they were planning

to become TECATA licensed, but they also wanted to have a faith based initiative which would exempt them, if they could go forward on it, from TECATA licensing; that they would house, council and spiritually fill those women trying to relocate; that there were not many such facilities in Houston and this would be a model facility; that it was a halfway house. Council Member Alvarado stated that was a big difference, she never heard the term halfway house from any of the speakers; that they should solicit input from the surrounding neighborhood, their civic associations. Council Members Goldberg, Garcia, Ellis, Quan and Berry absent.

Mr. Anthony White, 5201 Richmond Avenue #417, Houston, Texas 77056 (281-646-4380) appeared and stated that he was present along with the last three speakers and when problems were taken care of now it could take care of more problems which would have been coming down the road; and he hoped Council would look at their proposal. Council Members Goldberg, Garcia, Ellis, Quan and Berry absent.

Council Member Green stated that he was looking at what was presented; and upon questions, Mr. White stated that they were really concentrating on the Nunn property for right now; that the property on Roseneath was a home at this time and would be a conversion. Council Member Green stated that the civic club in the area of Roseneath was very involved and he expected to start receiving calls and there was probably a need to dialogue with those in Housing; that the address seemed to be Mr. Hilow's home and were they trying to purchase Mr. Hilow's home; and Mr. White stated that was just proposed, they were looking at Nunn Street first as it was already commercial property there and they would be speaking with civic organizations and letting them know what they were planning. Council Member Green stated that it looked like a conflict if one of the members already owned the property and they were trying to get the City to purchase it, it just did not look right and they should look at that again; and Mr. White stated that was more of a donation. Council Member Green stated that at \$350,000.00 it may be a little under property value, but he did not think most citizens would think that was a donation. Council Members Garcia, Ellis, Quan and Berry absent.

Council Member Edwards stated that there were very active civic groups in the area they were speaking of and she would suggest they double check because many communities were trying to preserve their deed restrictions and they needed to try and get their support and input. Council Members Khan, Garcia, Ellis, Quan and Berry absent.

Council Member Alvarado stated that in looking back to 1999 there was legislation on development of halfway houses where they could not be within 1,000 feet of a primary or secondary school and they needed approval of the Council body; and Mr. White stated that there was a lot of hope for bringing in new retail along Bellfort and she was not sure how a halfway house would fit in and suggested they go to those civic associations and earn their support. Mayor White, Council Members Khan, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Sammy Jones, 3323 Airport Blvd., Houston, Texas 77051 (713-988-1273) appeared and stated that he was present about three weeks ago asking for housing and from that meeting spoke with Ms. Ann Thomas with Coalition for the Homeless who gave him seven numbers and he called three and one was for drug and alcohol so that left two and he had been leaving his sister's number for return calls, but people seemed to think he was not homeless because of his sister and assumed he was staying there. Mayor White, Council Members Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that someone would be coming to give him a phone number and they wanted to speak to him about giving him a job. Mayor White, Council Members Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that it was the same number someone gave him last time and they said he did not call so he really needed to call; that people were willing to help, but he needed to help himself also and call the number. Mayor White, Council Members Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Charlie Schoen, 16411 Luthe Lane, Houston, Texas 77032 (713-443-3454) appeared and stated that he had been present before showing there was no such law requiring a drivers license and now he was letting them know that 201.904 stated there were signs maintained on the highways and road showing maximum lawful speed for commercial vehicles, truck tractors, truck trailers and motor vehicles in the business of transporting passengers for compensation of hire, in other words buses, no where did it speak of a private automobile; that it also said a passenger was paying someone and if not they were a guest and he could prove it under the Civil Practice and Remedies Code Texas 72.001 under limited liability; that they needed to start picking judges who knew the law. Mayor White, Council Members Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Fawaz Hajjar, 823 Antoine, Houston, Texas 77024 (713-682-8836) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mrs. Rita Hajjar, 823 Antoine, Houston, Texas 77024 (713-682-8836) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Isiaka Owolabi, P. O. Box 8291, Houston, Texas 77288 (713-478-4305) appeared, presented information and stated that as a taxicab driver he showed up for work last week at Intercontinental Airport and was told he could not work; that it was decided he should go for a hearing so at the hearing he said he was not prepared and he was told to go back to work and then come back Thursday for a hearing. Mayor White, Council Members Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado Alvarado, Mr. Owolabi stated that they did not go through methods of protocol and just said he should not go back to work. Mayor White, Council Members Wiseman, Khan, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Owolabi stated that they already convicted him and said he could not work; that there was no compensation as they were supposed to do. Mayor White, Council Members Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she was not clear on this; and Mayor Pro Tem Alvarado stated neither was she. Council Member Edwards stated that she did not know the process and would like to officially request Mr. Vacar or Mr. Mancuso to advise them of the process when a cab driver was accused of something, but not charged or convicted, were they denied access of the property, etc., and Mayor Pro Tem Alvarado stated that was an appropriate request and someone was present in the Chamber who could speak with him. Council Member Edwards stated that if someone did not get with him to get it cleared up she would like him to contact her office. Mayor White, Council Members Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Le Carol Carr, 1521 Sherwood Forest, Houston, Texas 77043 (713-467-1939)

appeared, presented information and stated that she was a working single mother with two children and had participated in the Section 8 Program for numerous years and was now terminated wrongfully and in a position of being homeless; that she was terminated May 2004 and reinstated June 24, 2004, and terminated again; that the reason was she had not turned in paperwork, but she had never received the papers. Mayor White, Council Members Goldberg, Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Ms. Carr stated that she lived in the Wilcrest area; that she went through all procedures required and spoke with Greg Shaw in the Mayor's Office, but was told there was nothing he could do; that she called Council Member Lawrence's Office but got no response. Mayor White, Council Members Goldberg, Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that Greg Shaw worked in Council Member Lawrence's Office; and upon questions, Ms. Carr stated that she was terminated for not turning in paperwork, but in three or four days she was reinstated after she found out the situation and she filed the papers, then after the hearing she was terminated again for not having turned in the paperwork, but Ms. Gonzales, her counselor, thought everything was okay as she had been reinstated by her to stay in the program. Council Member Edwards stated that it was too confusing for her and she would like to check with Mr. Etuck and see what was going on; that there was nothing which could not be overturned. Mayor White, Council Members Goldberg, Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Green, Ms. Carr stated that her counselor E-mailed the hearing officer because she thought she was reinstated, but she had not heard from her as yet, but as of August 9, 2004, she was no longer in the program. Mayor White, Council Members Goldberg, Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was the official U. S. President and continued expressing his personal opinions until his time expired. Mayor White, Council Members Goldberg, Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was head of all trade and continued expressing his personal opinions until his time expired. Mayor White, Council Members Goldberg, Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Kitty Wang, 10205 Forest Spring Lane, Pearland, Texas 77857 (713-569-6543) appeared and stated that she was with NDT TV and last week they received a response from the Mayor's Communication Director regarding them being excluded from the Mayor's salute event and they thanked them and accepted the apology, but hoped this type of issue would not happen in the future. Mayor White, Council Members Goldberg, Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Mike St. Clair, 2323 South Voss Road #630, Houston, Texas 77057 (713-895-2785) appeared and stated that he was with Special Drivers League and he was present last week; that the current situation was a metal detector was out and it resulted in a long line around the Municipal Courts and he understood many were caught in the downpour; that he heard many had to have their times reset because judges were feeling the crunch of the pre-conference situation. Mayor White, Council Members Goldberg, Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 4:30 p.m. City Council recessed until 9:00 a.m., Wednesday, August 25, 2004. Council Member Galloway absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. Mayor White, Council Members Goldberg, Wiseman, Khan, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 25, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, August 25, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney and Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:01 Mayor White reconvened the meeting of the City Council. Council Members Edwards and Ellis absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 40

MISCELLANEOUS - NUMBERS 1 through 9

1. CONFIRMATION of the appointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)** to fill unexpired terms ending December 31, 2004:

MR. WALTER GOFF - Chairman

Position 5 - **MR. CARLOS ALVARADO**

- was presented, moved by Council Member Alvarado, seconded by Council Member Holm. All voting aye. Nays none. Council Members Edwards and Ellis absent. MOTION 2004-0922 ADOPTED.

2. CONFIRMATION of the appointment or reappointment of the following to the **ETHICS COMMITTEE**, for two year terms to expire December 31, 2005:

Position 4 - **MRS. SHIRLEY ANN MALONSON**, reappointment

Position 5 - **MR. KRISTOPHER AHN**, reappointment

Position 6 - **MR. ANWAR I. QADEER**, appointment

Position 7 - **MR. BRIAN P. CWEREN**, appointment

- was presented, moved by Council Member Alvarado, seconded by Council Member Holm. All voting aye. Nays none. Council Members Edwards and Ellis absent. MOTION 2004-0923 ADOPTED.

3. REQUEST from Mayor on recommendation from the Houston Bar Association for confirmation of the appointment of **MR. ALEXIS J. GOMEZ** to Position One and the appointment by the Harris County Medical Society of **MR. EUGENE V. BOISAUBIN, M.D.** to Position Three of the **ETHICS COMMITTEE**, for terms to expire December 31, 2005 - was presented, moved by Council Member Alvarado, seconded by Council Member Holm. All voting aye. Nays none. Council Members Edwards and Ellis absent. MOTION 2004-0924 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment of **MR. ROBERT L. SILVERS** (Harris County Appointee) to Position 3 of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, to fill an unexpired term ending December 31, 2004 - was presented, moved by Council Member Alvarado, seconded by Council Member Holm. All voting aye. Nays none. Council Members Edwards and Ellis absent. MOTION 2004-0925 ADOPTED.
5. REQUEST from Mayor for confirmation of the appointment of **MS. ALICE J. O'NEILL** as **SUBSTITUTE MUNICIPAL COURT JUDGE**, for a term to expire two years from date of appointment - was presented, moved by Council Member Alvarado, seconded by Council Member Holm. All voting aye. Nays none. Council Members Edwards and Ellis absent. MOTION 2004-0926 ADOPTED.
6. REQUEST from Mayor for confirmation of the appointments or reappointments to the **HOUSTON COMMISSION ON DISABILITIES**, for terms to expire July 26, 2006:
 - Position Two - **MS. THELMA SCOTT**, reappointment
 - Position Four - **MR. MICHAEL Y. CHOU**, reappointment
 - Position Six - **MR. DAVID A. FOWLER**, appointment
 - Position Eight - **MR. AUTURO JACKSON**, reappointment
 - Position Ten - **MS. E. VERNELL JESSIE**, appointment
 - Position Twelve - **MS. DOROTHY MAHON**, appointment
 - Alternate Position Two - **MS. DIANNE G. FOUTCH**, reappointment
 - Alternate Position Four - **MR. RICHARD PEREZ**, appointment

- was presented, moved by Council Member Alvarado, seconded by Council Member Holm. All voting aye. Nays none. Council Members Edwards and Ellis absent. MOTION 2004-0927 ADOPTED.
7. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **CITY OF HOUSTON SMALL BUSINESS DEVELOPMENT CORPORATION'S BOARD OF DIRECTORS**, for terms to expire three years from date of appointment:
 - Position Three - **MR. LARRY HAWKINS**, reappointment
 - Position Five - **MR. W. JACK FIELDS**, reappointment
 - Position Seven - **MR. BERNARD A. HARRIS, JR., M.D.**, appointment
 - Position Nine - **MS. DEBORAH CANNON**, appointment
 - Position Eleven - **MR. A. PHILIP AITSEBAOMO**, appointment

- was presented, moved by Council Member Alvarado, seconded by Council Member Holm. All voting aye. Nays none. Council Members Edwards and Ellis absent. MOTION 2004-0928 ADOPTED.
9. RECOMMENDATION from Director of Human Resources for approval of the Holiday Schedule for Calendar Year 2005 - was presented, moved by Council Member Alvarado, seconded by Council Member Holm. All voting aye. Nays none. Council Members Edwards and Ellis absent. MOTION 2004-0929 ADOPTED.

Mayor White stated that they had some outstanding citizens, who had been appointed to various boards and commissions, including a substitute Municipal Court judge, and asked those individuals who had just been appointed to stand and be recognized and thanked them for their service. Council Member Edwards absent.

ACCEPT WORK - NUMBERS 11 and 12

11. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$77,672.42 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Renovation of the Bob Lanier Public Works Building, 611 Walker, 16th Floor and Basement B-2, GFS D-0106-03-3 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0930 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,111,537.64 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.**, for Citywide Generic Overlay Project #3, GFS N-1037-38-3 (OL2238) - 03.81% under the original contract amount - **DISTRICTS C - GOLDBERG; D - EDWARDS; G - HOLM and H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0931 ADOPTED.

PROPERTY - NUMBER 13

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc., on behalf of Metro National Corporation (James R. Jard, president), for abandonment and sale of a portion of a 20-foot-wide water line easement, out of the Isaac Bunker Survey, A-121 and the George L. Bellows Survey, A-3, in exchange for the conveyance to the City of a 20-foot-wide water line easement, out of a 1.592-and a 0.7496-acre tract in the Isaac Bunker Survey, A-121, Parcels SY5-001 and KY5-025 - **STAFF APPRAISERS** - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0932 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 through 19

15. **TUTTNAUER USA CO. LTD.** to Furnish, Deliver and Install One Steam Sterilizer for Health and Human Services Department - \$36,311.00 - Grant Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0933 ADOPTED.
17. **TEXAS DEPARTMENT OF PUBLIC SAFETY** for State Inspection Stickers for Houston Police Department - \$25,900.00 - General Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0934 ADOPTED.
19. **AMEND MOTION #2000-1434, 11/21/00, as amended by #2003-913, 7/23/03, TO EXTEND** expiration date from December 15, 2004 to December 14, 2005, for Auto, Chrysler Dodge OEM Replacement Parts and Repair Contract for Various Departments, awarded to **HOUSTON MAC HAIK DODGE CHRYSLER JEEP, LTD., (formerly GREENSPPOINT DODGE OF HOUSTON, INC)** - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0935 ADOPTED.

ORDINANCES - NUMBERS 22 through 38

22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide easement comprising the eastern 5 feet of Lots 266 through 269 and the western 5 feet of Lots 298 through 301, and containing 2,550 square feet of land, more or less, Parcel SY4-009, vacating and abandoning said parcel to Omni-Tidwell 03, L.P., the abutting owner, in consideration of (i) owner's

dedication of a 10-foot wide utility easement containing 1,590 square feet of land, more or less, out of Lot 298, Parcel VY4-004; both the abandonment and dedication parcels being out of Block 10 Barclay Place Addition, Section 1, Houston, Harris County, Texas; and (ii) owner's payment of \$624.00 and other consideration to the City - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0867 ADOPTED.

23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Bering Street right of way, containing 4,052 square feet of land, more or less, Parcel SY2-047, located in Block 8, Electric Park Addition, S. M. Williams Survey, A-87, Houston, Harris County, Texas; vacating and abandoning said tract of land to Daniel and Edith Ripley Foundation, abutting owner, in consideration of owner's payment of \$12,656.00 and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0868 ADOPTED.
24. ORDINANCE approving and authorizing special warranty deed conveying to 9700 Westchase, Ltd., by and through its general partner, Westchase Partners, L.L.C. abutting owner, a parcel of land containing 12,789 square feet (0.2936 acre), more or less, being out of John D. Taylor Survey, A-72, in consideration of 9700 Westchase, Ltd.'s payment of \$108,707.00 and other consideration to the City - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0869 ADOPTED.
25. ORDINANCE approving and authorizing special warranty deed conveying to Li-Ming Chen a parcel of land containing 10,009 square feet, more or less, being Lots 9 and 10, Block 688, South Side Buffalo Bayou, Henry Tierwester Survey, Harris County, Texas (the former Fire Station No. 24, located at 1503 Palmer); and in consideration of Li-Ming Chen's payment of \$81,000.00, and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0870 ADOPTED.
26. ORDINANCE approving and authorizing the sale to **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC** of a terminable easement containing ±1,256.64 square feet of land, located within Lake Houston, David Harris Survey, A-26; Parcel SY3-065; in consideration of the payment of \$300,000.00 and other consideration to the City - **DISTRICT E - WISEMAN** – was pulled from the agenda by the administration and was not considered. Council Member Edwards absent.
27. ORDINANCE consenting to the addition of 5.000 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0871 ADOPTED.
28. ORDINANCE consenting to the addition of 30.412 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0872 ADOPTED.
29. ORDINANCE consenting to the addition of 2.7963 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0873 ADOPTED.
30. ORDINANCE establishing the east and west sides of the 500 block of Arlington Street within the City of Houston as a special minimum lot size requirement area pursuant to

Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0874 ADOPTED.

31. ORDINANCE establishing the east and west sides of the 500 block of Frasier Street and the west side of the 500 block of Granberry Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0875 ADOPTED.
32. ORDINANCE approving and authorizing execution of sub-recipient agreement between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to accept funding through the U. S. Department of Homeland Security's FY2004 Supplemental Urban Area Security Initiative (UASI) Grant Program - \$8,211,741.00 – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0876 ADOPTED.
34. ORDINANCE approving and adopting an updated ongoing Service and Assessment Plan for and on behalf of the **SHARPSTOWN PUBLIC IMPROVEMENT DISTRICT** covering the period 2005 through 2009 pursuant to Chapter 372 of the Texas Local Government Code - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0877 ADOPTED.
- 34a. ORDINANCE approving the Fiscal Year 2005 Budget for the Sharpstown Economic Development Authority on behalf of the Sharpstown Public Improvement District pursuant to Ordinance No. 2002-1077; appropriating \$470,000.00 out of Fund 928 (Sharpstown Public Improvement District Fund) for payment to the Sharpstown Economic development authority for expenditures consistent therewith - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0878 ADOPTED.
35. ORDINANCE appropriating \$4,995.00 out of Water & Sewer System Consolidated Construction Fund (755); approving Longitudinal Pipeline Encroachment Agreement with **UNION PACIFIC RAILROAD COMPANY** for the Sims Bayou Sanitary Sewer Relief Line GFS R-0294-04-3 (WW4770-02); making various findings and provisions related thereto - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0879 ADOPTED.
36. ORDINANCE appropriating \$147,300.00 out of Series E Commercial Paper Metro Projects Fund and approving and authorizing Construction Management and Inspection Services contract between the City of Houston and **CARTER & BURGESS, INC** for the Bertner Bridge and Paving Package II, GFS N-0722-02-3 (SB9089-2) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0880 ADOPTED.
37. ORDINANCE appropriating \$241,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services contract between the City and **BURK-KLEINPETER, INC** for Clinton Park Wastewater Treatment Plant Improvements, CIP R-0265-26-3 (WW4760-6) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0881 ADOPTED.
38. ORDINANCE appropriating \$346,254.47 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services contract between the City and **PIERCE, GOODWIN, ALEXANDER AND LINVILLE (PGAL), INC** for Fresh Water Supply District #23 Wastewater Treatment

Plant Improvements, CIP R-0265-27-3 (4760-7) **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0882 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

8. RECOMMENDATION from Director Finance & Administration Department that the City Council receive the 2004 Appraisal Roll Information, Certified Anticipated Collection Rate and appoint Richard Somerville, James Bell and Keith R. Phillips, to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code - was presented, moved by Council Member Khan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0936 ADOPTED.
10. RECOMMENDATION from Director Parks & Recreation Department for approval of a Memorial Park Master Plan - **DISTRICT G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Ellis. Council Member Edwards absent.

Council Member Garcia stated that he appreciated the work that had been done on the document and stated that he had requested an attachment to the report indicating usage of the different fields and amount of activities at those fields in relation to the document, that he had some information but had not seen it in the form of an attachment that would accompany the report so he would move to postpone Item No. 10 for one week so the Parks Department could complete it, that it was understanding at the Quality of Life Committee Meeting that there would be an addendum attached to the report.

Council Member Holm stated that there was a discussion and that Item No. 10 was not a report, it was an acceptance of a Master Plan and the motion that came through the committee was to adopt the Master Plan, that she thought there was a lot of discussion and a lot of agreements that they needed the numbers for the facilities but it was not passed through the committee as an addendum and was not sure of the appropriateness of having facts as an addendum to a Master Plan, she thought that information was important to them and should be a part of it but was not sure that it did anything or was part of a Master Plan.

Mayor White stated that if they had a commitment from Mr. Joe Turner, Director, Parks and Recreation, to get the information within a certain time he knew that it would be obtained within a certain time, so there was a request for information and if he could respond to the point by Council Member Holm about just the form in which they wanted to include it.

Council Member Garcia stated that he would change his motion on the item and would go ahead and tag Item No. 10.

At 9:09 Mayor White stated that since they had all of the Council Members present, by unanimous consent, they would recess in order to take a group picture of the City Council.

At 9:14 a.m. Mayor White reconvened the meeting of the City Council and stated that they would continue and requested the City Secretary to call the next item.

PURCHASING AND TABULATION OF BIDS

14. **CARRUTH-DOGGETT INDUSTRIES** - \$123,070.81, **CLARK EQUIPMENT COMPANY, d.b.a. BOBCAT COMPANY** - \$39,058.30 - **TENNANT SALES AND SERVICE COMPANY** - \$53,845.10 for Earth Moving and Litter Vacuum Equipment from the State of

Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Airport System - Enterprise Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0937 ADOPTED.

16. ORDINANCE appropriating \$210,000.00 out of Housing Replacement Insurance Fund for Construction Inspection and Valuation Services - was presented. All voting aye. Nays none. ORDINANCE 2004-0883 ADOPTED.
- 16a. **BROWN'S INSPECTION SERVICE, L.L.C., MORTGAGE PROPERTY SERVICES, INC, DIVERSE VENTURES, INC and JARRETT'S REALTY & APPRAISAL** for Construction Inspection and Valuation Services for Housing and Community Development Department \$210,000.00 – was presented, moved by Council Member Ellis, seconded by Council Member Alvarado.

Council Member Ellis moved to amend the above motion to delete Diverse Ventures, Inc., seconded by Council Member Alvarado. All voting aye. Nays none. MOTION TO AMEND ADOPTED.

Vote on main motion as amended. All voting aye. Nays none. MOTION 2004-0938 ADOPTED. (Note: It was the interpretation of the City Secretary that it was the intent of Council Members to adopt Item No. 16a as amended therefore she assumed the makers of the motion to amend had also moved to adopt the recommendation.)

18. **PLASTIC CARD SYSTEMS, INC (Bid Nos. 5, 2, 9 & 8) - \$44,446.33, NEWBART PRODUCTS, INC (Bid Nos. 7 & 12) - \$102,788.09 and LAMINATION SERVICE, INC (Bid Nos. 1 & 19) \$101,961.74** for Security Badging Equipment for Various Departments - \$256,903.26 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$249,196.16 - General and Enterprise Funds – was presented, moved by Council Member Alvarado, seconded by Council Member Khan. MOTION 2004-0939 ADOPTED.
20. **AMEND MOTION #2001-0990, 9/5/01, TO EXTEND** expiration date from September 5, 2004 to March 5, 2005, for Communication Security Equipment and Components Contract, Part 1 for Various Departments, awarded to **TEXAS TECHNICAL SERVICES, INC, INSTANT PHOTOS, INC dba IPI SECURITY and ACCESS VIDEO & INTEGRATION CORPORATION** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. MOTION 2004-0940 ADOPTED.

ORDINANCES

21. ORDINANCE **AMENDING THE CITY OF HOUSTON CONSTRUCTION CODE** by adopting a revised **CITY OF HOUSTON ELECTRICAL CODE**; containing other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2004-0884 ADOPTED.
33. ORDINANCE approving and authorizing Grant Agreement between the City of Houston and **NEW VISION COMMUNITY DEVELOPMENT** to provide \$509,338.00 in HOME Investment Partnerships Funds to be used for the acquisition and construction of a seventy-one (71) Unit Elderly Housing Complex located at 1580 Greensmark - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2004-0885 ADOPTED.
39. ORDINANCE awarding contract to **TROY CONSTRUCTION, L.L.P.**, for On-Call Drainage System Repair (Work Order Contract), GFS M-0243-01-3 (SM5050); providing funding for

contingencies and engineering and testing services relating to repair of facilities financed by the Storm Water Fund - \$1,189,000.00 - Storm Water Fund – was presented, and tagged by Council Member Galloway.

40. ORDINANCE appropriating \$2,500,000.00 out of Water & Sewer System Consolidated Construction Fund, (\$2,400,000.00, Number R-0019-RE-1 and \$100,000.00, Number S-0019-RE-1); approving and authorizing the purchase of easements and other interests in real property and the payment of the costs of such purchases and/or condemnations of such real property and associated costs for appraisal fees, title policies/services, recording fees, court costs and expert witness fees for and in connection with and finding a public necessity for the wastewater and water capital improvement projects identified in the body of this ordinance; making various findings related to the subject – was presented. All voting aye. Nays none. ORDINANCE 2004-0886 ADOPTED.

MATTERS HELD - NUMBERS 41 through 45

41. ORDINANCE ordering a Special Election to be held on November 2, 2004, jointly with other governmental entities, for the purpose of submitting to the qualified voters of the City of Houston, Texas, various propositions for the amendment of the City Charter relating to limits on future property tax revenues and water and sewer rates, limits on all future city revenues and the conduct of performance audits of city departments by the City Controller; containing findings and other provisions related to the foregoing subject; providing for a repealer; providing for severability – **(This was Item 12 on Agenda of August 18, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN, KHAN, GALLOWAY and QUAN)** – was presented.

Council Member Ellis stated that there were a number of amendment to Item No. 41, there were four housekeeping amendments that the Legal Department had sent out and believed that all the Council Members had a copy of them.

Council Member Ellis moved to amend the ballot language of Proposition No. 2, Charter Amendment, relating to limits on all combined City revenues and would read as follows:

Proposition No. 2, Charter Amendment
(Relating to Limits on All Combined City Revenues)

The City Charter of the City of Houston shall be amended to require voter approval before the City may increase total revenues from all sources by more than the combined rates of inflation and population without requiring any limit of any specific revenue source, including water and sewer revenues, property taxes, sales taxes, fees paid by utilities and developers, user fees and any other sources of revenues, seconded by Council Member Khan.

After discussion by Members of Council, Mayor White stated that by the terms of the Charter, which specified that if there were two amendments on the ballot dealing with the same matter the one that got the most votes prevailed as well as the detailed language of the Charter amendment, in both cases they would have something where the one that got the most votes prevailed and Mr. Michel stated that was correct, it was in their existing Charter and in the proposed Charter amendment that the Mayor was proposing, and Mr. Michel stated that it was correct that the ballot language must be specific to the Charter amendment and only the Charter amendment, that the law assumed that the voters would become familiar with the actual proposed amendment itself and the purpose of the ballot language was simply to direct the voter as to which of the competing propositions they were voting on, that as a matter of law they were legally bound simply to describe the Charter amendment itself as opposed to the legal effect as to how people could vote.

After further discussion by Council Members a vote was called on Council Member Ellis

motion to amend the ballot language of Proposition No. 2. Council Members Galloway, Edwards and Quan voting no, balance voting aye. MOTION 2004-0941 ADOPTED.

Council Member Ellis stated that he wanted to offer the amendments to Item No. 41 that the Legal Department brought to their attention as follows:

1. For Proposition 1, the bracketed headings on pages 3 and 10 would be amended to make them more specific. ("Relating to Limits on *Certain City Revenues*" would be changed to "Relating to Limits on *Annual Increases in City Property Taxes and Utility Rates*".)
2. For Proposition 2, the bracketed heading on page 5 would be amended to add the word "*Combined*" in order to match the correct bracketed heading on page 10. (Both would be "Related to Limits on All *Combined* City Revenues.")
3. The ordinance caption (page 1) would be amended to reflect the amended headings for both Propositions.
4. The ordinance preamble ("whereas" section) would be amended to add 3 paragraphs to more fully describe the context for Propositions 1 and 3.

A vote was called on Council Member Ellis motion to amend Item No. 41. Council Members Galloway and Edwards voting no, balance voting aye. MOTION 2004-0942 ADOPTED.

Council Member Wiseman stated that she had submitted a motion in writing to divide the question so that they could consider the three propositions separately because by law a special election must be called for Proposition No. 2.

Council Member Wiseman submitted the following written motion:

"Item 41

Motion to separate the item to separate Proposition 2 from Proposition 1 and 3"

After discussion by Council Members, Council Member Wiseman stated that the intent of the motion in dividing the question was not to call three separate elections but to consider the propositions that the administration was putting forward, that Proposition No. 2 was a proposition, that by law, they must call a special election for, the other two propositions the administration had put forward for Council consideration to place on the ballot for special election, therefore those two propositions, they were not required by law to put on the ballot.

A roll call vote was called on Council Member Wiseman motion to separate the question.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting no
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 2004-0943 ADOPTED.

Council Member Ellis moved to call the question.

Mayor White asked Council Member Ellis to clarify so that he could make sure what was pending before the City Council and Council Member Ellis stated that his motion was to Charter Amendments No. 1 and No. 3 because they were amendments that were created and pushed forward before the City Council and to separate Proposition No. 2 because it was petition driven, that the intention of his motion was to take items 1 and 3 first and then item 2, and Mayor White stated it would be in order to vote on Proposition 1 and 3 and then Proposition 2.

Mayor White stated that before they voted he wanted his colleagues to note that he had two points, one of which was done on the advice of counsel, and it was not one of those things where the City Council should be hotly divided it was just a counsel that was received by the Chair of the Fiscal Affairs Committee and the Chair in crafting those particular Charter amendments, they said that those things that were inexplicably tied together, they could not solve one thing without another, ought to be the subject of one Charter amendment and because in working with Chairman Ellis and the Fiscal Affairs Committee and Ms. Judy Johnson and others the various effects as well as the problem seeking to be addressed by Charter Amendment Number 1 were so tied together they thought they dealt with the same subject that they were formed as one Charter amendment, that it was made clear in their deliberations but not in the committee record there was a request that he make it clear on the record, just as the drafting intention on the advice that they got from counsel, that the second point was that the pending motion, it would be the case with it and the portion that was to be divided, would not be, whether a person agreed or not with the ballot proposition, there may be people like himself who thought that Proposition No. 2 was very bad policy and would do everything he could to defeat it, but he would vote for putting it on the ballot because he had been advised by counsel that it was the right thing to do, similarly to his colleagues who understood the purposes and intentions of Proposition No. 1 and who may vote against it for reasons that had been articulated, he thought there were a number of people including himself who felt that the voters deserved an alternative that was on the ballot and by just supporting an alternative on the ballot that did not mean that individuals necessarily were expressing their endorsement of the proposition, he was not dictating to Council Members how to vote he just wanted to highlight the fact that the question did not go to the merit of the individual issues but the question they were voting on today concerned what choices the voters would have in November.

A roll call vote was called on Item No. 41 including Proposition Numbers 1 and No. 3.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting aye	CARRIED

After further discussion Mayor White stated that they had already passed Proposition No.

1 and No. 3 and if Proposition No. 2 passed then it would be as if they had joined the two, that they would have the language that they had in the first place, and Ms. Taylor stated that if what they were saying was that the original motion included that provision, that they were looking for a direction from City Council and Mayor White stated that it was his understanding of the motion was that they split it and if both passed they were putting them back together with the same language that existed as was drafted, and Ms. Taylor stated that would be sufficient if that were the original motion.

A vote was called on Item No. 41 including Proposition No. 2. Council Members Galloway and Edwards voting no, balance voting aye. ORDINANCE 2004-0887 ADOPTED AS AMENDED.

42. ORDINANCE approving and authorizing a Meet and Confer Agreement between the City and the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM**; containing provisions relating to the subject – **(This was Item 13 on Agenda of August 18, 2004, TAGGED BY COUNCIL MEMBERS ELLIS, QUAN, LAWRENCE, GREEN, KHAN, HOLM and EDWARDS)** – was presented.

Upon questions by Council Members, Mr. Hall stated that they had a number of discussions and had tried to find the most effective way to present what the item represented, that there were two points he wanted to make from the start, if they took the benefit reductions and employee contributions they were talking about the \$850 million reduction in unfunded liability that they described last week, that it had nothing to do with the Hilton Americas Hotel, that the Mayor, early on, directed that they examine how they could transfer assets that the City had, other than CACHE, to the pension fund to help satisfy their legal obligations to the pension fund and that was what they were searching for ways to do, that he identified an asset, the Convention Center Hotel, there was a consensus in the community of people who knew about valuations that the appropriate value of the Hotel was \$300 million, that they had an assets that was worth \$300 million but had debt on it and they were obligated to pay that debt, that they were obligated to pay the bonds that were issued to build the Convention Center Hotel, not directly but ultimately they were obligated to pay it, that they did not receive any real value for that to the City and they wanted to transfer, whatever they were buying, when they ultimately paid for the Hotel, to the benefit of the pension system, the way that they would do that was to issue them a note that they agreed to pay the amount of the value of the Hotel, that note would accrue interest, interest that was used in the modeling of the pension fund was 8.5%, when they would then be paying that interest so that they assured that the pension fund would be getting the same return on the Hotel that it was getting on the remainder of the about \$1.4 billion in assets they had, the way it was accounted for by the experts was to reduce further the unfunded liability by another \$300 million, that would mean that they would have reduced with that transaction the unfunded liability of \$2 billion by about \$1.15 billion, that was the impact of that, what was the consequence to them as a City was that the amount of cash, other than what they would have to use to satisfy obligations, was reduced by what was required by another \$300 million, that he thought that was the way to explain that, that there was a long version that would take about an hour and a half and they had both of their experts present if they wanted the long version, that he thought that he mentioned last week that there were a number of issues that were yet to be discussed and decided, among them governance, limitations on actions and activities, that it was their view that it was important to deal with the financial aspects of the issue first, the \$2 billion in unfunded liability that was facing the people of the Houston and they understood that those issues were to be discussed and debated and that Council would have an active role in doing that, that it was fully understood by the pension system. Council Members Galloway and Wiseman absent.

Council Member Goldberg stated that he was passing out the email that they were all sent yesterday regarding the pension accrual formulas, that it was the revised pension accrual formula, that basically they had Plan A and Plan B, and in Plan B they paid zero into the pension and Plan A they were paying 4% and now they were paying 5% of their salary into the

pension, that a lot of people were talked into going from Plan B to Plan A and now they were getting 1% less of what they thought they were buying into, that he had two amendments as follows:

1. Members who wish to revoke a service conversion shall have six months from January 1, 2005 to transfer from Plan A to Plan B, and get their money back.
2. Members of Plan C who have vested shall return to a pre-1999 accrual formula. No members in Plan C, current or retired, shall receive 2 years of service credit for one, for service prior to 1999.

Mr. Hall stated that he got the amendment a few moments ago, that he and Council Member Goldberg had a discussion yesterday evening about the first item in his amendment, that he did not know what he intended, but it was very precise language that had been approved by both of the actuary's as part of the negotiating process, so that it was clear, and he pointed Council Member Goldberg to the language on the telephone last night, in the actual agreement that they had there was a period up through March 31, 2005 when anybody who actually converted from Plan B to Plan A could revoke essentially that conversion, that if they could go back and would get only what they contributed with an interest payment, they would get it back, they had that period of time because the actuaries said that it was important for them to realize on the cutoff that there was a cutoff date for which people could switch back and forth, that Council Member Goldberg's comments to him was that it was not clear, but it was clear to the lawyers who were responsible for writing such things and interpreting them, that it was agreed to by both the Pension Board System and the City that that was what the language meant so that it was in fact covered and covered in a way that the actuaries had approved, that this was something that he thought they were going to get a good deal more experience on as they moved forward, that as they knew the Meet and Confer process on pensions was a new one for them, that the agreement had taken a good many hours to try and flush out, by its very nature it had been give and take with the pension system on issues that they thought were important against issues that they thought were absolutely critical, their guiding one being to reduce the unfunded liability and to be fair to the employees, that they had approved an agreement, it had been a negotiation as the State law intended, so that if they amended it they would not have an agreement with them, they would have to go back and have another posting and another meeting and supposed they could propose the City change something else if they did not like what the City did, the process was supposed to suggest that there be a lot of give and take and obviously it was not the exact document that either one of them would write but they had tried to incorporate over time their principle objections, that he would remind Council Members that their guiding principle in this round was to get the unfunded liability down and thought they could all agree that if in fact they could achieve a \$1.1 billion or \$1.2 billion reduction off of \$2 billion that had been a worthy accomplishment; that the Mayor had authorized them to continue to retain Mercer to immediately start examining other alternatives and the pension system had agreed to that as part of it that they would continue to meet to find way to try to further reduce the unfunded liability, that frankly they were in it together on that issue, that it did not benefit the pension system to have unfunded liability and obviously it did not benefit the taxpayers so they had to work together to find ways to get the remaining liability reduced.

Upon further discussion by Council Members, Council Member Garcia asked for a couple of exercises and points of discussion and asked who had appraised and inspected the Hilton Americas so that they had not transferred a potential doom boggle into the Municipal Pension System, that it was an exercise in discussion that they had to realize whether or not that facility would maintain its value in the years to come; that when they move the Hotel into the Municipal Pension System what rights of ownership did it give the employees; was two for one actively put on the negotiating table so that six figure employees would be on an equal playing field with their average earning employees; and under the proposition scenario for a revenue cap could they work through a pension funding exercise under a similar 2004 Fiscal Year scenario, what did that look like for employees if they went through a similar fiscal year that they just came out of under REVCAP and under the pension discussion that they were having.

After further discussion by Council Members, Council Member Sekula-Gibbs stated that she would tag Item No. 42 and Council Member Goldberg's amendments, and Council Member Lawrence stated that she would tag the amendments also, and Council Member Galloway called for the orders of the day.

43. ORDINANCE approving and authorizing Amendment No. 1 to Parking Operations and Management Concession agreement between the City of Houston and **NEW SOUTH PARKING-TEXAS** for the Houston Airport System; providing a maximum contract amount – (This was Item 17 on Agenda of August 18, 2004, TAGGED BY COUNCIL MEMBER KHAN) – was presented. All voting aye. Nays none. ORDINANCE 2004-0888 ADOPTED.
44. ORDINANCE approving and authorizing contract between the City of Houston and **BONDRESOURCE PARTNERS, L.P.**, for Arbitrage Rebate Calculation and Consulting Services; providing a maximum contract amount - 3 Years with two one-year options - \$1,000,000.00 General and Enterprise Funds – (This was Item 18 on Agenda of August 18, 2004, TAGGED BY COUNCIL MEMBERS KHAN and GARCIA) – was presented. All voting aye. Nays none. ORDINANCE 2004-0889 ADOPTED.
45. ORDINANCE establishing a maximum contract amount for contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** as originally approved by Ordinance No. 2004-378 - \$850,000.00 - General Fund – (This was Item 19 on Agenda of August 18, 2004, TAGGED BY COUNCIL MEMBER KHAN) – was presented. Council Members Sekula-Gibbs and Berry absent.

Council Member Ellis stated that it was his understanding that this was an extension of a contract that they approved earlier in the year with regard to the true-up with Centerpoint and they did have some conversation at the time that they approved the initial contract and appropriated the funds to move forward, that this item was over and above the \$1.5 million and his concern was that as they moved forward were they not supposed to have a ruling from the PUC by the end of the month and if so he understood that the item was for more expert witnesses plus the law firm and was he to understand that they would spend \$850,000 or were they appropriating that amount and they may not spend it or maybe they would spend more, that in the last contract they had allocated \$1.5 million and they spent \$1.8 million and they had not even appropriated those funds, that he just wanted to make sure that the accounting procedures were in order and that they bill the City in a timely fashion prior to spending all of the money and asked Mr. Michel to respond to some of his concerns, and Mr. Michel stated that an order was due August 31, 2004, that the fees were for both expert fees and additional legal fees, that it was money to be spent that all of it may not be spent if they reached a settlement or if they finished it quickly, but in order to go through the anticipated court process that was what the additional allocation was for in addition to the remaining administrative process. Council Members Sekula-Gibbs and Berry absent.

Council Member Goldberg asked if Centerpoint was reimbursing the City and Mr. Michel stated that was correct, they were reimbursing the City as the case progressed, and Council Member Goldberg stated that Centerpoint reimburses the City if there was a rate change, but this was not a rate change and asked if they were absolutely clear on the law that it was a true-up and did not know statutorily if Centerpoint had to reimburse the City because it was a true-up, and Mr. Michel stated that they knew by statute that Centerpoint had to reimburse the City, and Council Member Goldberg asked who was the watchdog over the expenses and Mr. Michel stated that they reviewed it for reasonableness and Centerpoint did because that was the standard they were held to and ultimately if there was a dispute it would go to the PUC. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Council Member Quan stated that Council Member Ellis had requested that a review be

given to the Fiscal Affairs Committee when it reached a certain point and asked if they had ever gotten a report and Council Member Ellis stated no that it was not done, but in defense of Mr. Hall from the outside law firm, they did have some conversation and it was his understanding that they were going to come to the Fiscal Affairs and submit bills at each half million interval and they did not but he did have a conversation with them, and Council Member Quan stated that he would appreciate if they would give them a billing so they could get an estimate of how that money was actually spent and present it to the Fiscal Affairs Committee and Mr. Michel stated that they would do that. Council Members Wiseman, Khan, Sekula-Gibbs and Berry absent.

A vote was called on Item No. 45. All voting aye. Nays none. ORDINANCE 2004-0890 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated that he wanted to thank Mr. Gary Norman, Public Works, for resolving a very difficult sewer problem and all of Public Works and Engineering, that it was in a very narrow area and they had to hand dig out the utility line instead of using a machine. Council Members Khan, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that he wanted to thank Ms. Marene Gustin for her service with the City, that Friday would be her last day with the City. Council Members Wiseman, Khan, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that on Sunday, August 29, 2004, the Houston Theater District would celebrate their annual open house event from 12:00 p.m. to 5:00 p.m., that the Hobby Center, the Alley Theater, the Wortham and Jones Hall, that they had the second largest theater district in the entire Country and now was their opportunity to go there for free and look behind the scenes. Council Members Wiseman, Ellis and Sekula-Gibbs absent.

Council Member Goldberg stated that he had the local Olympics report, they had a one, two, three finish in the 400 meters, Mr. Jeremy Warner, Mr. Otis Harris and Mr. Derrick Brew, he thought they all went to Baylor, which was outstanding for an Olympics, that Mr. Steven Lopez from Sugarland would start his competition on Saturday for Taekwondo, that the Soccer Team would play Brazil on Thursday for the Gold, that Ms. Cat Osterman, from Houston, and the United States Softball team did an outstanding job and won the Gold medal. Council Members Wiseman and Ellis absent.

Council Member Berry stated that he wanted to thank three City employees who were working overtime to get a water main fixed, that he wanted to thank Mr. James Daniel, Mr. Kevin Anderson and Mr. Gary Jackson from the Public Works Department. Council Members Wiseman and Ellis absent.

Council Member Berry stated that he wanted to thank his colleagues for all of their help for the Dress Up Houston Program, that they gathered 482 garments of clothing at Pilgrim Cleaners and City Hall which would be used to help young men as they prepared for interviews and their first jobs. Council Members Wiseman, Holm and Ellis absent.

Council Member Berry stated that he wanted to thank a wonderful intern in his office who was going to go back to college at George Washington in Washington, D. C., Mr. Baber Hider, that he was a wonderful young man, that he wanted a career either in public service or some sort of governmental service because he had enjoyed his time in City Council. Council Members Wiseman, Holm and Ellis absent.

Council Member Galloway stated that in her district they had a lot of remodeling of old houses and those people who were remodeling the houses were doing it on the weekends and

knew that all of the inspectors of the City were not out there on the weekends, that on an average day if she was patrolling herself through the community she calls them in and they really needed to do some kind of public relations to let people know that before they started remodeling they needed to get a permit from the City, that they were losing thousands of dollars in revenue because of that, that it was also not safe, that she wished they would start looking into it, that she had spoken with Mr. Litke who stated that he would get some inspectors and coordinate something with her office to do it on the weekend. Council Members Wiseman, Khan and Berry absent.

Council Member Galloway stated that she knew the Mayor was at a meeting speaking about illegal dumping and although she could not be there she was a little disappointed when she received the notice of the meeting the day before, that illegal dumping was something that she was really interested in and the proposal that the Mayor had for illegal dumping. Council Members Wiseman, Khan and Berry absent.

Council Member Galloway stated that Mr. Terrance Fontaine toured several locations in her district last week and she had some structures that she had been trying to get demolished for the last four years and they had approved it on Council almost two months ago and nothing had been done and it was near a school so Mr. Fontaine immediately got together with the Planning Department and they started cleaning the place up and the buildings were demolished within 48 hours, that she wanted to commend Mr. Fontaine for his efforts. Council Members Wiseman, Khan and Berry absent.

Mayor White stated that they would have a Mayor's Report on the illegal dumping issue, that it was a very important meeting last night and a plan was developed which he thought Council Members would like, that he would find out why more people were not notified earlier. Council Members Wiseman and Berry absent.

Council Member Green stated that he visited the East Houston Civic Club in District B and they had an issue with their libraries, the Scenic Woods and Lakewood Libraries, that Council Member Galloway had done a very good job in explaining to them the reasons why their libraries were closed and how hard she was working to get them back opened, but he thought they probably needed to hear it from the Library Department to suggest alternatives methods for a library in that area. Council Members Wiseman and Berry absent.

Council Member Green stated that during the week of September 14 through September 19, 2004 the National Black MBA Association would be in town and there would be about 1,500 delegates from all over the Country and they had booked up just about every hotel room in downtown so he thought they should be very excited about the Hot Tax after that date and thought they needed to do all they could to welcome them to the City and he would get with his colleagues and the administration because he would be hosting a reception for the leadership so they could try and get that conference back to the City in the next few years. Council Members Wiseman and Berry absent.

Council Member Green stated that Mr. Fontaine called him recently about a bad intersection in District D and knew that he wanted to work well with Council Member Edwards in helping the City do something about the intersection at Eagle and OST, there was a very bad wreck that happened last weekend and it was a very dangerous intersection and had been for a very long time, that he wanted to congratulate Public Works because they sent someone out immediately after the accident to do a visual inspection of the intersection and they had already started working on it and he would encourage the administration to stand behind them. Council Members Goldberg, Wiseman, Ellis and Berry absent.

Council Member Green stated that he wanted to congratulate the administration for all of the hard work they were doing on the pension, he would also encourage his colleagues along with the administration, that even though the item had been tagged that they did not let it

languish for long, that they go ahead and address the problems quickly and get an agreement in place that would tackle the issue of the unfunded liability, that he thought they needed to do all that they could to inform the employees better about what was going on so they could at least rest a little more comfortably, that the communication aspect on both sides, he thought, was going to be the key. Council Members Goldberg, Wiseman, Holm, Ellis, Quan and Berry absent.

Council Member Galloway stated that in regard to the libraries that Council Member Green had spoken about she wanted to let them know that the Library Department had been working very closely with the area and they also had a pre-construction meeting for the renovation of the Scenic Woods library and construction had already started on it and information had gone out to the constituents of that area to let them know the process. Council Members Goldberg, Wiseman, Holm, Ellis, Quan and Berry absent.

Council Member Edwards stated that today at 2:00 p.m. there would be a joint meeting of TIA, Flooding and F&A talking about the CIP so she would encourage them to be present or have staff to talk about the CIP briefing for 2005 through 2009. Council Members Wiseman, Holm, Ellis, Quan, Green and Berry absent.

Council Member Edwards stated that she wondered why even though she was a district Council Member she had to go through a higher level for routine mundane things to get done, that their office worked very hard and were very concerned about the issue of trash, that if department heads were not going to take what they were asking them seriously and if she was wasting their time they should tell her and she would leave them alone. Council Members Wiseman, Holm, Ellis, Green and Berry absent.

Council Member Edwards stated that as to the issue of the intersection at Eagle, OST and Griggs, she had talked about that intersection with the traffic folks since she had been on Council and she had been told that it was TXDOT or this and that and she appreciated the Mayor's office helping out but it irritated her when she went and talked to people that things needed to get fixed and it was always someone else's problem, that she was asking that perhaps they should look at a committee that would look at operations for the City and what was being done and how it was being done, that the issue of people getting services, when they looked at the community Minitex, they had been annexed for over 30 years and still had no sewer hookup because they were isolated, that all she was asking was how do they provide day to day services in a routine manner, what processes were they supposed to be doing to provide services to the community. Council Members Wiseman, Holm, Ellis, Green and Berry absent.

Mayor White stated that Council Member Edwards had identified a serious problem and it was an organizational problem with City government and by the end of September, in part based on conversations with City Council Members, they would address that really things should not have to go all the way to City Council and the Mayor's office and back down. Council Members Wiseman, Holm, Ellis, Green and Berry absent.

Council Member Edwards stated that she wanted to use the meeting held yesterday as an example of what she was talking about, the memo that her office got was dated August 23, 2004 and the meeting was held August 24, 2004, that it was a very important issue for them and they had to scurry and take people off of things in order to be there, that she could not believe that the department did not know that it was coming up and could have let them know, that she resented that something as important as illegal dumping be thrown about cavalierly. Council Members Wiseman, Holm, Ellis, Green and Berry absent.

Council Member Lawrence stated that she thought one of the Mayor's attributes was that he had stressed teamwork and did not realize that her colleagues felt so strong about it as she did, that it was just a good example of Planning and Development not playing on the same team when they got notices one day and on it stated that the Super Neighborhood representatives

were notified but yet she was a vice president of a Super Neighborhood and on her personal email she was not notified so all of the Super Neighborhoods were not notified so she questioned how much input did Planning and Development really want with that meeting or did they just have great speakers like the Mayor and it was all show and was not going to be any "do", that she just wanted to be sure that with the Mayor as coach of the City that things were done and if players were not playing as a team that maybe they needed to be plating on another team. Council Members Wiseman, Holm, Ellis, Green and Berry absent.

Mayor White stated that he would like for Mr. Moore and Mr. Litke to find out what the answer was, that it was inexcusable. Council Members Wiseman, Holm, Ellis, Green and Berry absent.

Council Member Quan stated that he wanted to recognize Ms. Marene Gustin who was leaving the City, that she had served the City as Chief of Staff for two of the Council Members and had been working with the Parks Department, that he wanted to congratulate her and wish her the best. Council Members Galloway, Wiseman, Holm, Ellis, Green and Berry absent.

Council Member Garcia stated that he was at the meeting last night and the agenda that they got did not fit the agenda that they picked up at the meeting last night and he had to leave and he did not get to hear the presentation and did not get to hear what the action and activity was going to be, that he could not help but feel that they were worked around and not worked with so he thought that Council Member Lawrence's teammate and teamwork points did deserve some important consideration and thought. Council Members Galloway, Wiseman, Holm, Ellis, Quan, Green and Berry absent.

Council Member Garcia stated that he wanted to congratulate the Northside Bond, specifically Mr. Goyins, Mr. Mike Martinez, Constable Trevino, Ms. Alma Lara, Principal of Kettleston Elementary, State Representative Farrar, Commissioner Sylvia Garcia, Senator Mario Gallegos and Chief Hurtt, who helped in the testimony which helped to shut down the Blow-N-Go, that he wanted to thank many others and the children who had suffered through the nuisance, that it was just one of many that were plaguing the neighborhoods, not just in his district, but throughout the City, that it should make residents realize that they did not have to endure it, that it was a very cumbersome process but it finally worked. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he had the opportunity to visit with Mr. and Mrs. Padilla in the Denver Harbor Community and they walked around the Scoggins Elementary area and he had seen it before but wanted to make sure that the administration knew, that he appreciated Mr. Mike Cordova and his supervisor meeting him out there and walking the area, they had ditches that were four feet deep and no sidewalks, that there was a sidewalk program that they were putting out there but there was so much more that was needed, that there were a series of ditches that were cemented in and it was his understanding that several Council Members before him had looked into it and their response was that they could not remove the ditches because they would have to pay to remove them in order to cover them with a sidewalk but the issue was that what was cemented in encroached on private property, that it had been an issue since the early 1990's, that they would like to have some thoughts on it. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he had talked to Mayor White about the possibility of Houston becoming home to Major League Soccer and they were in competition with San Antonio, that they were looking to see that Houston would like to be an aggressive participant in the negotiations and discussions to bring Major League Soccer to Houston, that it was a great opportunity that they could not let slip away from them. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

PRESENT)

Council Member Garcia stated that last week he met with the First Ward Community, a lot of seniors and their concern was that they felt under siege by crime and violence, that they left the meeting with good hopes of engaging the community in a more active and awareness process, that he thought that they should keep all of their tools in place and the assault weapons ban was one of them and he encouraged all who were listening to take the liberty of calling their U.S. Senators and Congress Representatives to encourage them to encourage the President to keep the assault weapons ban in place. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that there was an important campaign underway called "Honor Your Father" and it had to do with Prostrate Cancer, that his father was dealing with it and was challenged with it right now but issues that came out of his diagnosis was that children of men who have had Prostrate Cancer were at high risk and was of particular risk for men of color, especially Hispanics and African Americans, so to men out there, it was his job to encourage Latino men to understand the importance of going to the doctor and being checked, that early detection can help to prevent it. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that there was no good explanation why they did not get earlier notification of the Heavy Trash meeting, they would have it in the form of a Mayor's Report, that it was a point well taken. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to congratulate Council Member Garcia, that both of their districts had their share of closing down cantinas, that their office had been involved in about seven of them and in all cases they had been instrumental in getting them closed, that tomorrow she would be testifying at one of them. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to congratulate Sergeant Klausner with the HPD Truck Enforcement Unit, there was an article that highlighted a lot of the work that he had done and since they had been pulling over large vehicles the crash rates had gone down, from 20 to 12 per day, that 51% of the vehicles they stopped were put out of service because of various violations, that they did a lot of work and wanted to congratulate the entire Truck Enforcement Team. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to wish the City a happy birthday, that tomorrow the City turned 168 years old, that they had come along way from when the Allen brothers first founded the City and where they were today. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that Council Member Garcia talked about the issue of soccer, that there was a picture of the Mayor of San Antonio playing soccer so Mayor White might want to take up the sport if it meant getting Major League soccer in Houston. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she too wanted to congratulate Marene Gustin and wish her luck and success. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that on Saturday at 12:00 p.m. a group of dedicated young Houstonians, including her former aide, Mr. David Caldwell, would hold the Third Annual Fight for a Cure Fund Raiser at Katz's Deli to raise funds to find a cure for Amyotrophic Lateral Sclerosis, that was the disease that took the life of Mr. Michael O'Brien, if any one was interested to please go to Katz's Deli on Saturday, that they would be working for 24 hours and a portion of what they buy at the Deli would go to the ALS fund raiser, that it was at 616 Westheimer. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that also on Saturday would be the Society for Prevention of Cruelty to Animals Pet Telethon, the SPCA was an open door animal shelter that annually accepted thousands of animals to help them, that they needed to recognize that they provided a great City service as well, that the telethon would be broadcast live on Channel WB 39 and they could call her office for more information at 713-247-20085. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to congratulate Ms. Marene Gustin on her new position, that she wished her well. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that it was her privilege to represent the City of Houston at the Olympics in Athens, that it was at no taxpayer expense, that she wanted to congratulate the U.S. athletes and all the athletes from around the world, that Athens was a gracious and welcome City and the security was appropriate without being intrusive. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that one of his constituents, Ms. Irene Brown who resided at 12523 Huntington Venture, Houston, Texas 77099 who was a senior and living on a fixed income, that she had a terrible problem with her house, that termites were eating her house and they tried for emergency home repair but she could not qualify because it was not an emergency situation, that he did not know what could be done but it was a matter of great concern. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that many times many of his constituents came to the public session to talk about vendors who put shops on the weekends, most of the time on private property, that they not only caused an eyesore but a dangerous situation, that in many situations they were selling mattresses and things like that, that people were very concerned in the Hillcroft and Bissonnet area, that he hoped something could be done in that regard. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he also wanted to congratulate Ms. Gustin and wish her the best on her new venture. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that one of his best friends passed away this weekend, Mr. A. Hussein, that if they remembered last year he got signs for candidates on his truck and went around in his truck promoting candidates of his choice, that he was a fine man and left a wife and three daughters behind, that he was very close to him and asked for a moment of silence for Mr. Hussein. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:10 p.m. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary